UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/C.12/2000/SR.8
3 May 2000

Original: ENGLISH

COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Twenty-second session

SUMMARY RECORD OF THE 8th MEETING

Held at the Palais Wilson, Geneva,
on Friday, 28 April 2000, at 3 p.m.

Chairperson: Mrs. BONOAN-DANDAN

CONTENTS

CONSIDERATION OF REPORTS

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

Third periodic report of Italy (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the meetings of the Committee at this session will be consolidated in a single corrigendum to be issued shortly after the end of the session.

GE.00-41709 (E)

The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (agenda item 6) (continued)

Third periodic report of Italy (E/1994/104/Add.19; E/C.12/Q.ITA/1; written replies to the list of issues supplied by the Government of Italy (document in English only without a reference number)) (continued)

1. At the invitation of the Chairperson, the members of the delegation of Italy resumed their places at the Committee table.

2. The CHAIRPERSON invited the members of the Committee to put further questions concerning articles 10 and 11.

3. Mr. WIMER ZAMBRANO observed that the Vatican had protested against the recent recognition by the State of Vermont in the United States of homosexuals' right of adoption. Given the varying solutions adopted by different countries, how was that issue dealt with under Italian legislation?

4. Mr. THAPALIA said that, in addition to information provided with regard to territorial distribution of immigrants and the poor in Italy, he wished to know how many people lived in poverty and exactly how the Government was addressing the problem.

5. Mr. CITARELLA (Italy), responding to questions on housing policy, cited the country's legislation on the matter, which had obliged landlords to rent empty homes cheaply and, until 5-6 years previously, had resulted in instances of social, economic and individual litigation. A great many landlords, who preferred to leave their houses unoccupied in those circumstances, had protested, inducing the authorities to relax that stringent, unfair requirement. Under a new, more flexible - and successful - system, leases could be arranged directly between landlord and tenant or through the associations representing the interests of the two parties. Low-income families also received subsidies from a national rental fund - the amount of which depended on their earnings and general situation - to bridge the gap between their means and the rent charged. In addition, first-time leases for young people and single-parent families were exempt from tax.

6. Following the 1999 decision to sell to the occupants - cheaply and with State subsidies - the 30 per cent of homes owned by the State or by semi-private enterprises, two privatization laws had been enacted in January 2000. Some 25 per cent of such homes were expected to be sold by early 2001, the occupants enjoying a pre-emptive right of first refusal.

7. The reason the standard-of-living statistics supplied in the written replies were vague was that social problems had not been taken into account at all the appropriate levels. Homelessness was in itself a vague concept subject to a variety of criteria and interpretations. On the basis of the standard definition, Italy had about 200,000 homeless persons. Some 100,000 persons made homeless by earthquakes had been housed in temporary accommodation, awaiting the rebuilding

of their homes. Many of Italy's large number of foreigners were homeless and squatted in various places pending regularization of their situation, and that was not counting those who, for reasons of their own, chose to live in makeshift conditions. In any event, the authorities had allocated 200 million lire to be spent on a comprehensive survey of homelessness, the findings of which would be made public by the end of 2000.

8. As previously stated, a total of 30 billion lire had been assigned to private associations and local entities to help the poor. The country's poorest sectors lived for the most part in the south and had large families. Their benefits included an allowance for each family member except the breadwinner, a special supplementary subsidy for low-income families with more than three children, tax deductions for families with unemployed minors in the home, a pregnancy allowance, and a subsidy for low-income families with elderly dependants.

9. Turning to children, he said that despite the drama of individual cases, the number of disappearances or deaths of children linked, among other things, to sexual exploitation, was insignificant, accounting for 15-20 cases at most in the previous two years. He agreed with Mr. Ahmed that the incidence of child beggars and thieves was high, especially in major urban centres. One reason was that certain people in a given country would, for financial gain, sell their children to relatives or compatriots living in Italy, who mistreated the children if they considered their daily financial input to be inadequate. Reported cases were promptly investigated and taken before the courts. Many judges had invoked the Slavery Convention and sentenced the perpetrators accordingly.

10. Homosexuals were not governed by any specific legislation in Italy, although they enjoyed limited privileges and benefits, such as the right of one partner to remain in the home after the departure of the other if the couple had cohabited for a specified period. While no law permitted homosexuals to marry or adopt children, a judge had recently ruled that a particular homosexual union could adopt a child; the ruling had unleashed heated discussion throughout the country and a protracted legal and social uproar.

11. Mr. PIGNATELLI (Italy), replying to questions from Mr. Ceausu and Mrs. Jiménez-Butragueño, said the separation of children from their families by criminal organizations operating in Italy posed a major problem for the authorities. Italian criminal organizations had started working in league with criminal elements emerging from among immigrants (legal and illegal alike) to Italy in the past 3-5 years. Since the Vienna Conference, Italy had been intent on playing a leading role in the establishment of a convention against organized crime and was particularly involved in two related protocols. The first of those concerned trafficking in women and children, who were subjected to a sort of "double jeopardy": they were not only obliged to pay their fare to the country, but were also exploited for nefarious purposes upon their arrival. The second was the protocol relating to migration. The Government's purpose was not to oppose migratory flows, but to clamp down on the criminal aspect of migration, especially in the Mediterranean area. Since trafficking in human beings was the second largest source of profit for criminal organizations, Italy hoped, by the end of 2000, not only to see the two protocols in force, but to host in Palermo the signing of the aforementioned convention.

12. The CHAIRPERSON said that, since the Committee and the human rights world as a whole were appalled at the profound impact of domestic violence against women on their enjoyment of their economic and social rights, she endorsed the questions asked by Mr. Hunt and Mr. Sadi - which the delegation had failed to answer - concerning measures taken by the authorities to combat domestic violence and any studies conducted into the factors leading to the phenomenon. She asked how Italy was addressing the issue not only in social and legal terms, but as a human rights concern.

13. Mr. CITARELLA (Italy) said that violence against women in general, at work and within the family, was currently a central issue of human rights protection in Italy. As recently as February 2000 the Justice Commission of the Chamber had begun its first reading of special legislation codifying crimes against women and establishing appropriate sanctions. Under that law, an abusive spouse would be expelled from the home, as an emergency measure, and deprived of access to it without a special magistrate's order. Telefono Azzurro and Telefono Rosa, both private organizations rather than mere hotlines, also intervened at once in reported cases of child abuse and abuse of women respectively. The previously mentioned special law on sexual abuse in the workplace enabled the administration responsible for the enterprise to take action against the perpetrator.

14. Mr. RIEDEL said that the problem of exploding health services costs was one facing many countries, not only in Europe. He would like to know more about the steps taken by the Italian Government to contain those costs, including regionalization of the health system, the privatization of local health units, the creation of hospital societies and so on. He wondered how the poorer sections of society were affected by the decision to establish different categories of drugs, the refunding of which by the health system depended on their cost-effectiveness. Had the essential drugs list established by the World Health Organization, which required certain drugs always to be available, been taken into account?

15. Although the Italian response to question 32 of the list of issues, regarding care for the aged, described the targets of the 1998-2000 National Health Plan, all of which were admirable, it did not say what had actually been done to implement them. Since the period was almost over, the results of the Plan should be known. In response to question 33, about the medical assistance offered to refugees and asylum-seekers, particularly those housed in reception centres, the Committee had been told that such persons had a maximum of 120 days in which to receive assistance and that no subsidized health care was available to asylum-seekers except in case of emergency. Italy would not, of course, want to encourage foreigners to seek medical assistance. At the same time, it should provide basic health care to all persons entering the country.

16. Mrs. JIMÉNEZ-BUTRAGUEÑO asked whether the elderly were given enough preventive care, either in their own homes or in special residences. She noted that elderly persons often required much medication. Given the valuable contribution they could make to society, it was important that the elderly should be able to live out their last days in comfort and to enjoy all the care required.

17. Mr. CEAUSU drew attention to paragraph 130 of the written report (E/1994/104/Add.19), which noted the measures envisaged by the authorities to rationalize the public health service, including a series of dispositions for the closure of the psychiatric hospitals. He asked whether the hospitals were being closed in order to reform the psychiatric service. Had psychiatric departments been opened in other hospitals or had there been a major shrinkage in the provision of care? He also noted that he had failed to find in the report, or in the written replies, any statistics for major causes of death. In most developed countries, cancer or cardiovascular disease usually headed the list and he would be interested to know whether the same was true of Italy. He also wondered whether there was any public information campaign, particularly one directed to young people, regarding the dangers of smoking, alcohol abuse and drug abuse. He noted that in some countries the advertising of tobacco products and alcohol was banned altogether. Also in certain countries, there was extensive discussion of the effects on human health of the consumption of certain animal products which could transmit disease, for example so-called mad cow disease. There were also campaigns against the introduction of genetically modified organisms. Was there any attempt in Italy to limit the production of such organisms?

18. Mr. GRISSA commented that both tourism and prostitution were highly developed in Italy. Since both could lead to sexually transmitted diseases, he would like to know what action was being taken to mitigate their impact. He was also concerned about the undesirable effects of the discotheques frequented by young people in Italy, which could, he believed, include hearing loss, mental illness and drug abuse, and which had undoubtedly led to an increase in traffic accidents, particularly at weekends. Was the Government taking any action to control such meeting places? He would also like more information on the extent of mental disease in Italy and on what was being done to care for the mentally ill.

19. Mr. THAPALIA said that he too would like to know the number, age and sex of the mentally ill. He would also like to know what measures were being taken in regard to environmental health and in regard to the reproductive health rights of women. Were the rights set out in the Beijing Platform of Action accepted in Italian society?

20. The CHAIRPERSON said that she also would like more information regarding reproductive health and family planning. She noted that paragraph 140 of the written report referred to a Women's Welfare Programme which sought to safeguard the health of women in relation to such matters as contraception and pregnancy. She wondered, however, whether there had been any attempt to update the 1975 law. She would be particularly interested to hear more on governmental policy regarding contraception and abortion. No precise details were given regarding the choices open to women. For example, was abortion criminalized? Was the Government able to protect women needing an abortion from illegal operators? Did women have the right to choose what form of contraception they used?

21. Mr. CITARELLA (Italy) said that he would take first the question of women's reproductive health rights. The 1975 law allowed for abortion as a matter of free choice but there were regulations in regard to timing safety conditions and moral protection. Although the law had been adopted by majority vote, abortion was still a matter of much public debate. It was not legally a crime and the operation could be performed in public hospitals or private clinics under conditions of complete secrecy. Even a woman under the age of 18 could go freely to any

doctor or hospital to request an abortion without even her parents being informed, if she so wished. There were additional guarantees of secrecy for women who might wish to have a child but not to keep it. In such cases, the child was put up for public adoption as soon as it was born, secrecy still being preserved. A widespread campaign was waged in favour of contraception, which was regarded as the most important protection against sexual disease as well as unwanted births.

22. Mrs. JIMÉNEZ-BUTRAGUEÑO asked whether abortion was completely free or whether certain conditions were imposed. She noted that in Spain there were only three valid grounds for abortion: rape, malformation of the foetus or the health of the mother.

23. Mr. CITARELLA (Italy) said that the general principle was that abortion was dependent only on the decision of the expectant mother. There was no limitation on therapeutic abortion in the first three months of pregnancy. Abortion at a later stage on the grounds of the mother's health required a decision by a doctor. No crime was involved in abortion at any stage of gestation.

24. Turning to the questions asked by Mr. Riedel, he said that efforts were being made to contain expenditure on health for reasons common to all European countries. Expenditure in Italy had risen too far because of the abuse of health services such as free prescription drugs. Limits had now been imposed, in the sense that a distinction was made between low-wage families and those with normal earnings. Families with an annual income of over 70 million lire were required to pay a fixed contribution to their local health association. Public hospital services remained free. A family with an income of less than 70 million lire did not contribute anything. The system did not apply to private care all of which must be paid for. Regarding care for foreigners, he noted that there was a system within the European Union whereby the citizen of a member country should be able to receive the same assistance in any other member country as he could in his own. The European Court had recently ruled that such care should be available without the need for any administrative action. In regard to the supply of drugs, he said that the Italian Government was complying with the list drawn up by WHO and also with the directive of the European Union. Two classes of medicaments had been established, one provided free of charge and another which had to be paid for. If a drug in the second class was prescribed, the cost was based on the earnings of the family in question.

25. Regarding psychiatric hospitals, he said that since 1995 the trend had been to regard the confinement of mental patients in psychiatric institutions as inappropriate. The plan had been to abolish psychiatric hospitals for good. Patients in need of care could go to regular hospitals instead of being segregated in psychiatric institutions. Regarding causes of death, he drew Mr. Ceausu's attention to the table in paragraph 34 of the replies to the list of issues giving mortality for the year 1994 by cause and age. Cardiovascular diseases took first place, particularly for persons over 75, and cancer was the main cause for persons between 45 and 75.

26. In regard to the problem of smoking, he noted that there was no overall legislation in Italy to deter or prevent smoking. There were, however, legal provisions dealing with certain aspects of the problem. For instance, smoking was prohibited on public premises and in closed environments such as a theatre or cinema. There were other restrictions on the sale of cigarettes or tobacco, requiring a warning on all packages to the effect that smoking was dangerous to

health and could cause cancer. A number of anti-smoking campaigns had been carried out and the advertising of all forms of tobacco was prohibited. In regard to meat products and the problem of mad cow disease, he said that, in view of the restrictions imposed at the European Union level, Italy had refused to accept meat from certain countries, in particular the United Kingdom. Certain foodstuffs for animal consumption had also been banned in order to avoid the establishment of the disease in Italy.

27. Turning to the questions asked by Mr. Grissa, he said it was true that the number of traffic accidents was very high, particularly at weekends, and that it was regarded as a major problem. Many of those accidents were fatal and involved young people and they were undoubtedly due in part to alcohol and the use of intoxicating substances obtained at discotheques. Accident prevention campaigns were being waged constantly. One of the preliminary precautions taken had been to advance the closing hours of premises frequented by young people. Discotheques were obliged to close by 2 a.m. which to some extent limited the consumption of drugs and alcohol. As to sexually transmitted diseases, AIDS, though a serious problem in Italy was not in general sexually transmitted. The vast majority of AIDS cases occurred among drug users.

28. Another problem that had been mentioned was the situation of the elderly. In the rare cases where elderly people could not live in their own homes because of low income or for family reasons, special homes were provided. They could also receive a special subsidy if their income was particularly low. However, the main thrust of Government policy was to help the elderly to continue playing a useful part in society. For example, they were sometimes asked to supervise children on their way to school, to help protect them from road accidents or from being targeted by drug dealers. A system of volunteers was in place to give assistance to those elderly people who did remain at home.

29. Mr. RIEDEL asked whether the means test that was applied to families, mentioned in the delegation's reply to question 30, was also applicable to the elderly under question 32. He said that he realized that it was probably difficult for the delegation to give an immediate answer to his previous question about the implementation of the 1998-2000 National Health Plan. It would be helpful if a detailed answer could be provided before the Committee drafted its concluding observations; if that was not possible, the issue of implementation could be addressed in the country's next periodic report. Otherwise, the right to health, which was a legal obligation under the Covenant, would remain only a policy aim. He would also appreciate a reply to question 33 regarding asylum seekers, which he did not think the delegation had yet given.

30. Mr. GRISSA asked how it was that the Marlboro tobacco brand could be advertised on Ferrari cars in Formula One racing, which was broadcast widely on Italian television, if there was supposed to be a ban on tobacco advertising in Italy. He would also like to have more precise information on the gravity of the problem of sexually transmitted diseases and statistics on the number of cases and on mortality rates.

31. Mr. AHMED, noting that the State health service was not centralized but was run by local health authorities in the regions, said that the standards of medical care apparently varied considerably from region to region and tended to be worse in the south of the country and in the large cities. He would like to know whether there were any groups of the population that were

not covered by the State health service and whether patients themselves had to pay part of the cost of health care. He also asked whether patients had the right to choose where they were treated and by which doctor.

32. Mr. CITARELLA (Italy), in reply to Mr. Ahmed's questions, said that the national health system was available not only to all Italians, but also to anyone resident or even temporarily present in Italy. Until seven or eight years previously, a system of reciprocity had existed whereby citizens of certain countries were eligible for free health care in Italy. The cost had been borne by their country's embassy, however, if reciprocal facilities were not made available to Italian citizens in the other country. That system had been abolished and medical care was currently provided according to the territorial criteria previously described. There were no restrictions on where patients could seek treatment within the State health service. However, if they wanted to be treated in a private hospital, they had to pay part of the cost themselves.

33. In reply to Mr. Riedel's question, he said that refugees and asylum-seekers were entitled to health care as soon as they entered the country. The delegation would not be in a position to report on the implementation of the 1998-2000 National Health Plan until the end of the year, when its impact would be clearer.

34. Regarding tobacco advertising in Formula One racing, all the brands of car - not just Ferrari - bore tobacco advertisements. Under the legislation in force, there was no way to prevent the name of a cigarette appearing on the side of a vehicle; however, work was under way to introduce new legislation that would prohibit even that form of advertising.

35. He pointed out that statistics on the number of AIDS cases in adults, disaggregated by category and sex, were provided on page 56 of the written replies to the list of issues.

36. The CHAIRPERSON invited the members of the Committee to put further questions to the delegation regarding points 35 to 40 of the list of issues.

37. Mr. CEVILLE said that according to the Committee's General Comment on the right to education, States parties were obliged to set minimum educational standards that the private education sector had to meet. It also said that, if a State elected "to make a financial contribution to private educational institutions, it must do so without discrimination on any of the prohibited grounds". One of the more controve: ial aspects of the education reform undertaken by the Government of Italy was the proposal to apply the same legal regime to private schools as to State schools. He requested more information on the financing of private education from State funds. He also asked for the delegation's comments on the school drop-out rate, which, according to some reports, was particularly high in secondary education: only 56 per cent of pupils who completed primary school went on to complete secondary school.

38. Mr. HUNT asked whether tertiary education was available without cost to students and, if fees were payable, whether they were increasing or decreasing. He also pointed out that, according to the Committee's General Comment on article 13 of the Covenant, "States parties must closely monitor education so as to identify and take measures to redress any de facto

discrimination". Moreover, "educational data should be disaggregated by the prohibited grounds of discrimination". He would like to know whether such disaggregated data was available and, if not, whether there were plans to provide it in the future. He would also like to know whether corporal punishment was prohibited in State and private educational institutions in Italy, as recommended in paragraph 41 of the General Comment.

39. Mr. TEXIER asked what the ratio was of State to private educational institutions in Italy. He would like to know what the school drop-out rates were for boys and girls respectively. He would also like to know whether the phenomenon of adult illiteracy existed in Italy and whether any adult education programmes were in place to deal with that problem.

40. Mr. ANTANOVICH, referring to the written reply to question 35, asked why the building of new schools had disappeared from the budget: was it because of the lower number of pupils entering school or because of budget difficulties? Renovating old school buildings could often be more expensive than building new ones. He would also like to know whether the literacy campaign aimed at illiterate adults was an attempt to address the effects of the high school drop-out rate. What age group was covered by "young and older illiterate adults"? He asked whether the "rationalizing" of the school network laid down in the Ministerial Decree of 24 July 1998 actually involved closing schools and whether that might be a reason behind the large drop-out rate. He also asked whether there were any special programmes to help school drop-outs, apart from the programme for illiterate adults previously mentioned, and whether any reforms relating to the school curriculum were being implemented in addition to the structural reforms taking place.

41. Mr. WIMER ZAMBRANO asked whether any resources were provided in the State education system for minorities and whether there was any cultural policy aimed at protecting them.

42. Mr. GRISSA said that he would like more information on university and technical education. He asked whether secondary school drop-outs were able to go on to other educational institutions, such as technical schools, in order to obtain qualifications that would enable them to find a job. He would also like to know whether parents who sent their children to private schools were allowed to deduct the fees from their taxable income, as was the case in the United States.

43. Mr. AHMED said that the fact that different languages were spoken in the south of Italy perpetuated the disparities between the north and the south. He would like to know whether the Government's policy on those minority languages was to bring about their gradual disappearance or to preserve them, and whether the languages were taught at school - which would serve to perpetuate their existence - or were only spoken at home, in which case they might eventually disappear. The issue of language was an important one for the cohesion and stablility of Italian society.

44. Mr. WIMER ZAMBRANO acknowledged the point made by Mr. Ahmed, but said that it was general practice to preserve minority languages since they were an important part of the history and cultural heritage of any country.

45. Mrs. JIMÉNEZ BUTRAGUEÑO asked whether older people had the opportunity to complete their studies, for example, at special universities for older students. She would also like to know how the State party made use of the experience and knowledge of older people, who had much to contribute to society.

46. Mr. CITARELLA (Italy), replying to Mr. Antanovich's question, said that, in some small towns and villages, it was not possible to keep schools open if the number of pupils dropped below a certain level. In two or three villages, some older people had enrolled in school in order to maintain the minimum number of pupils and thus prevent the school from closing.

47. Differences between north and south were not so much attributable to the existence of distinct dialects or languages as to cultural factors deriving from the historical domination of the south by the Spanish and of the north by Germanic peoples. Dialects existed throughout the country, including in such regions as Piedmont, Lombardy and Veneto, and not just in the south. Although they were not taught in schools, they were maintained by private organizations and by family tradition. While some guarantees existed for specific minority languages, including Sardinian, they did not ensure that such languages would be taught in public schools. The State had no deliberate policy aimed at maintaining or not maintaining local linguistic traditions. However, the tendency in Italy, as in the rest of the world, was clearly to preserve traditions for future generations.

48. Mr. ZOCCHI (Italy) said that the Italian Constitution ensured maximum freedom for educational activities, as long as the exercise of such freedoms did not involve any cost to the State. That law was generally observed in practice, and in early 2000 an agreement had been reached on an Act governing private education. The new law guaranteed equal treatment for private and public education and established rules for the resources that could be earmarked for private schools. In 1998 the State had already provided some financial support for private educational establishments that provided nursery schools, which were seen as a form of public service. The recent trend had been to offer more support to private educational establishments while observing the provisions of the Constitution.

49. Mr. CITARELLA (Italy) said that corporal punishment had been abolished early in the last century and was not tolerated in schools, nor for that matter in the home. Any reports of corporal punishment at schools would lead to a strong reaction by parents and would be investigated immediately and given due attention by the Public Prosecutor's Office. For primary and secondary education families did not pay any fees apart from the cost of books and equipment, and the Government had taken measures to ensure that those expenses did not increase unduly. University fees for dependants up to the age of 26 were tax deductible. All schools had introduced special classes to cope with language problems and remedial courses for foreigners so as to accelerate their integration into the education system. For the elderly there were special universities, which taught subjects specifically tailored to their needs. The disappearance from the State budget of appropriations for the construction of schools was a direct consequence of the decrease in the population.

50. Mr. ZOCCHI (Italy) said that 90 per cent of students at all levels of education were enrolled in public educational establishments. While special courses existed for adults and foreign students, they were provided as a temporary measure, and the general policy objective was to return students to normal classes as quickly as possible so as to avoid any differentiation or discrimination. The drop-out rate for students aged 14 to 19 had fallen between 1992 and 1998 from 8.2 per cent to 7.1 per cent. As for compulsory education, the drop-out rates were respectively 0.2 per cent for primary schools and 5.7 per cent for middle schools. Some 94.5 per cent of students completing middle schools went on to secondary schools, and about 60 per cent of those completing secondary schools went on to university. Because technical education and vocational training were generally integrated in the school curriculum, only about 8 per cent of young people underwent vocational training outside the regular school system.

51. With the education reform, the situation would change. Compulsory schooling would be extended to age 15, and vocational training would continue through age 18. Students would be able to attend either regular secondary schools, technical schools, or vocational schools which were run by the regions. Each currently consisted of a five-year programme. There was also the possibility of undergoing training apprenticeships, which combined work and study. The total budget earmarked by the regions for vocational schools came to 5,000 billion lire in 1996. The overall education budget in 2000 amounted to some 64,000 billion lire. Clearly, the reform would lead to some difficulties, particularly in small villages. The Government intended to consolidate primary and middle schools in a single facility known as a lifelong learning centre, which could also provide certain types of further education for adults. There would be one such centre in virtually all villages.

52. Mrs. JIMENEZ BUTRAGUEÑO considered that the coordination of education administered at the State, regional and municipal levels required much effort. The subject was of particular interest to her, as her country faced similar problems. She asked to receive a copy of the delegation's prepared text.

53. Mr. HUNT asked whether educational data were disaggregated according to the grounds prohibited by article 2 of the Covenant. If not, did the Government have any plans to collect such data? Were fees for tertiary education currently stationary, or were they rising or falling?

54. Mr. CITARELLA (Italy) said that while it was possible to request more disaggregated data, it might not be realistic. The administration could provide data broken down by gender, as the sex of a student was obvious, but there was no legal requirement to collect information disaggregated on the basis of the other grounds listed in article 2.2 of the Covenant.

55. Mr. ZOCCHI (Italy) said that university fees had risen approximately 5 per cent in the last two years. University fees were proportional to the economic means of the family. Every year, students filled in a form which gave information extracted from their family's statement of income. Students from families with incomes over 70 million lire paid all tuition and university fees covering laboratory costs and internships, etc., and those from families with modest incomes under approximately half of that amount were dispensed from paying any fees at all. There were also various grants awarded on the basis of performance.

56. Mr. PIGNATELLI (Italy) said that his delegation welcomed the opportunity to present the situation in Italy to the Committee in the course of a vivid and topical discussion. The new Government currently being set up in Italy would no doubt set out to adapt Government policy to the complex changes the country was undergoing. Italy was at a crossroads, as it was a place where north met south and east met west. It was also facing a time of great change, as it had gone from a country of emigration to a country of immigration in a few short years. Ten per cent of all primary school and kindergarten pupils were foreign. There was an influx of other religions in a country where only one religion had existed for many centuries. From being a tricolour country, it was becoming a multicolour country.

The meeting rose at 5.55 p.m.

The meeting was called to order at 10.20 a.m.

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (agenda item 6) (continued)

Third periodic report of Portugal (E/1994/104/Add.20); core document (HRI/CORE/1/Add.20); country profile (E/C.12/CA/POR.1); list of issues (E/C.12/Q/POR/1); written replies by the Portuguese Government (HR/CESCR/NONE/2000/2) (continued)

1. After a discussion in which Mr. WIMER, Mr. TIKHONOV, Mr. SADI, Mr. TEXIER, Mr. GRISSA, Mr. KOUZNETSOV, Mr. CEVILLE, Mr. ANTANOVICH, Mr. HUNT, Mr. CEAUSU and Mr. RIEDEL took part, the CHAIRPERSON read out the note verbale in which the Permanent Mission of Portugal informed the Committee that the Portuguese delegation in charge of presenting the report and replying to questions would not be able to do so, in view of the workload arising from Portugal's Presidency of the European Union. The Portuguese Government had therefore requested that consideration of its third periodic report be postponed to a later date.

SUBSTANTIVE ISSUES ARISING IN THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (agenda item 3) (continued)

Draft general comment 14 on the right to the highest attainable standard of health (art. 12 of the Covenant) (HR/CESCR/2000/NONE/6)

2. Mr. RIEDEL reviewed the main issues raised at an informal meeting of the working group in charge of preparing the draft general comment on the right to health, which would be submitted shortly to the Committee. The key points requiring further consideration or clarification had been identified in the course of a productive discussion.

3. It had generally been agreed that the right to health should be better identified in the light of the definition given in other international instruments, such as the Convention on the Rights of the Child.

4. Under the normative content of article 12, the suggestion had been made to specify what was meant by primary, secondary and tertiary health care. The participants at the meeting had also agreed that a distinction should be drawn between public health and health care, concepts which were not always understood in the same way in different cultures. A general term was therefore needed to cover all possible interpretations. While it was difficult to give a more specific definition of the right to health, a preliminary draft had been prepared at the meeting on the basis of a consensus. Due consideration had also been given to essential conditions for health, which some public health specialists referred to as the underlying "determinants of health", such as access to safe and potable water and adequate sanitation, adequate supply of food and nutrition and housing.

5. The next topic to be discussed had been States parties' obligations, which consisted in the first place in taking steps to ensure progressively the full realization of the right to health. Among the various obligations, namely to respect, to protect, to fulfil and to promote, the emphasis should be placed, as advocated by WHO, on the "obligation to promote", which entailed ensuring the provision of health services and supporting people in making informed choices about health.

6. With regard to violations, the question of what acts of commission or omission constituted violations of the right to health was left undecided and Committee members would be informed as soon as further progress had been made on the issue.

7. On the question of limitations, he said that public health issues were often used by States as grounds for restricting the exercise of other fundamental rights. As far as the Covenant was concerned, however, the limitations referred to in relation to public health were intended not to restrict but to protect fundamental rights, a point which the draft general comment would emphasize.

8. The group's discussion had continued on special topics of broad application, including non-discrimination and equal treatment, particularly with regard to women, children and older persons. It had been agreed that special measures should be adopted for those categories.

9. Lastly, the group had considered the complex issue of verifiable benchmarks which could be monitored on a national and international level, but it appeared that it was still too soon to take such a system into consideration.

10. Clearly the draft was still open to amendment. He invited members of the Committee to submit written proposals on any matter they wished to raise and which had not been discussed during consideration of the draft.

The public part of the meeting rose at 11.15 a.m.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/C.12/2000/SR.10
4 May 2000

Original: ENGLISH

COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Twenty-second session

SUMMARY RECORD OF THE 10th MEETING

Held at the Palais Wilson, Geneva,
on Monday, 1 May 2000, at 3 p.m.

Chairperson: Mrs. BONOAN-DANDAN

CONTENTS

CONSIDERATION OF REPORTS

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

Third periodic report of Portugal (continued)

MISCELLANEOUS MATTERS (continued)

SUBSTANTIVE ISSUES ARISING IN THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the meetings of the Committee at this session will be consolidated in a single corrigendum to be issued shortly after the end of the session.

GE.00-41748 (E)

The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (agenda item 6)

Third periodic report of Portugal (E/1994/104/Add.20) (continued)

1. At the invitation of the Chairperson, Mr. Mendonça e Moura, head of the Permanent Mission of Portugal to the United Nations Office at Geneva, took a place at the Committee table.

2. The CHAIRPERSON invited Mr. Mendonça e Moura to address the Committee.

3. Mr. MENDONÇA e MOURA (Portugal) said that he deeply regretted any inconvenience caused to the Committee at the previous meeting by the absence of a Portuguese delegation. He had already been in touch with the Office of the High Commissioner for Human Rights in order to clarify the situation, but he wished to explain to the Committee itself why no Portuguese delegation had appeared.

4. The Portuguese mission to the United Nations Office at Geneva had been informed in a note from the High Commissioner dated 6 December 1999 that the Committee would deal with the third periodic report of Portugal on 1 and 2 May 2000. At the beginning of February, he had personally dispatched a member of the Portuguese mission to explain to the Committee secretariat why that date was not possible and to ask for a postponement for a number of reasons. As Portugal would be occupying the Presidency of the European Union at that moment, a Portuguese delegation would accordingly be chairing and coordinating the representation of the Union in all matters involving human rights. Portugal would therefore be deeply involved in the work of the Commission on Human Rights. It would also be chairing the Preparatory Committee of the forthcoming Conference on Racism as well as responding to questions on the Portuguese report under the Convention against Torture.

5. The secretariat's response to the request for a postponement had been to suggest that Portugal should exchange dates with Italy, whose report was to be considered on 27 and 28 April. Those dates, however, were equally inconvenient, coinciding as they did with the last two days of the session of the Commission on Human Rights, when the voting on resolutions would be taking place. The mission had nevertheless contacted the Italian mission, which had in the event been unwilling to make the exchange. Also early in February, as an alternative solution, the Portuguese mission had suggested, without success, postponing consideration of the Portuguese report under the Convention against Torture. He had then done his best to make up three separate delegations to deal with what were essentially closely related matters. A delegation had been appointed to attend the Committee against Torture, and another to coordinate the position of the European Union at the Preparatory Committee for the Conference against Racism. When the time had come to appoint a delegation to attend the Committee on Economic, Social and Cultural Rights, it had become apparent that it would only be possible to send a four-man team, none of whom would be in a position to answer detailed questions on

health and education, matters which Portugal took very seriously. He had therefore personally advised the Department of Foreign Affairs in Lisbon not to send the proposed delegation but rather to ask for a postponement. A written message had accordingly been dispatched on 27 April 2000 requesting the Committee's indulgence and asking it to consider postponing its examination of the third periodic report. He regretted that, although the note in question had been signed and transmitted on the afternoon of 27 April, it had not been brought to the Committee's attention despite the personal efforts made at the time by the deputy head of the permanent mission.

6. He repeated that he regretted any inconvenience to the members of the Committee and emphasized that it was Portugal's deep interest in the rights set forth in the Covenant which made it unwilling to send a delegation that would be unable to answer all the Committee's questions satisfactorily. He again requested that the Committee postpone its consideration of Portugal's third periodic report.

7. Mr. RIEDEL said that a postponement would have a serious impact on the Committee's schedule. If it was suggested that the report should be considered at the extraordinary session to be held in August 2000, could the Mission undertake that Portugal would be prepared to attend on the agreed date?

8. Mr. MENDONÇA e MOURA (Portugal) said he would convey the proposed date immediately to the Department of Foreign Affairs in Lisbon. He believed that any date towards the end of the extraordinary session would be welcome. He noted that it would be very difficult for a delegation to attend in mid-August.

9. The CHAIRPERSON pointed out that the Committee's summer session was to end on 1 September. It would be impossible, therefore, to arrange for a September hearing. The Committee would bear in mind the Mission's preference for the end of August.

10. Mr. GRISSA said he believed that six countries were scheduled to appear at the summer session. Was there any possibility that one of those countries might not come? Could there be some standby arrangement?

11. Mr. SADI said that if the Committee agreed to postpone consideration of the Portuguese report for some six months, could the current report be updated in the meantime? That would make the exercise more valuable to both parties.

12. Mr. MENDONÇA e MOURA (Portugal) said that the Portuguese delegation would of course do its best to bring with it any available updated information.

13. The CHAIRPERSON said that the members of the Committee would continue their deliberations among themselves and their decision would be conveyed to the Portuguese mission in due course.

14. Mr. Mendonça e Moura (Portugal) withdrew.

15. Mr. WIMER ZAMBRANO said that the detailed apology offered by the head of the Portuguese mission made it unnecessary to discuss the matter further. The Committee could decide at once whether or not the suggested date was acceptable.

16. Mr. TEXIER said that in his view the Committee should accept the proposal. He believed that Portugal did in fact take its commitment under the Covenant seriously. He noted that according to the Portuguese mission a postponement had been requested in February. Why had no proper answer been given at the time?

17. Mr. TIKHONOV (Secretary of the Committee) said that in February a member of the Permanent Mission of Portugal had contacted the secretariat, saying that it would not be convenient for the Portuguese report to be considered at the current session because it would coincide with the meeting of the Commission on Human Rights. The same consideration had been expressed by other States scheduled to appear at the current session. He had explained to each of them that all the reports would be discussed towards the end of the Commission's session, after its resolutions had been adopted, and they should therefore have no difficulty attending the Committee to present their reports. It had been suggested that they should discuss among themselves any change in the order of consideration of the reports to suit their various requirements. All had said they wished their reports to be considered in the order already established by the Committee.

18. It was the practice of the secretariat, once the Committee had taken its decision, to send a note verbale immediately to all States parties scheduled for the next session, giving the dates on which their reports would be considered. The last paragraph of the note verbale stated that, if no formal notification was received to the contrary within six weeks, it would be assumed that the suggested dates were acceptable. No such notification had been received from Portugal. Up to the start of the session he had been in regular contact with the Portuguese mission and had been assured that a delegation would be attending. The last such conversation had taken place on 26 or 27 April, when it had been assumed that Portugal would be present.

19. The CHAIRPERSON said that she sensed that the Committee was willing to postpone consideration of the Portuguese report to a date in the not too distant future. Since Portugal would have difficulty in attending in August, and the extraordinary session was due to end on 1 September, it would appear that the earliest time would be in the autumn, at the Committee's November-December meeting. It would therefore be necessary to move one of the States parties due to be considered in the autumn to the following spring session in order to accommodate Portugal. The list of reports to be considered at the extraordinary session, those of Honduras, Mongolia, Sudan, Kyrgyzstan, Australia, Venezuela and Belgium, would stand. The reports due to be considered in the autumn were those of Morocco, Japan, Yugoslavia, the Syrian Arab Republic and China-Hong Kong Special Administrative Region. She proposed that the Chinese report be postponed to the following spring session and that the Portuguese report be the first to be taken up in November.

20. Mr. AHMED said that the Committee would need to know whether the suggested date in November was agreeable to Portugal.

21. The CHAIRPERSON said that, since Mr. Mendonça e Moura had agreed to Mr. Sadi's suggestion for a postponement of the order of six months and to the updating of the report, she felt that November could safely be assumed to be acceptable.

MISCELLANEOUS MATTERS (agenda item 9) (continued)

22. Mr. TIKHONOV (Secretary of the Committee) reminded the Committee that, at its afternoon meeting on Friday, 5 May 2000, it was to hear Mr. Fantou Cheru, the Special Rapporteur on structural adjustment and its impact on economic, social and cultural rights.

23. The CHAIRPERSON said that, after hearing from the Special Rapporteur, the Committee would proceed with its scheduled review, without report, of the implementation of the International Covenant on Economic, Social and Cultural Rights in the Republic of the Congo.

SUBSTANTIVE ISSUES ARISING IN THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (agenda item 3) (continued)

24. Mr. RIEDEL said that, with the Chairperson's permission, he would like to introduce a draft new paragraph 19 for insertion in the proposed General Comment on the right to health, which was intended to replace the existing paragraphs 12 and 19. The draft described the core obligations of States parties relating to the right to health, using broadly the same approach as that adopted in General Comment 13. The Committee had to make a policy decision on whether or not to include a demanding list of those obligations which all States, rich or poor, should fulfil as a bare minimum. Some developing countries might take the view that the proposed list in paragraph 19 was too exacting. However, he believed that developing countries might be able to negotiate less strict conditions on loans from international financial institutions if they could argue that excessively strict conditions would prevent them from meeting the minimum requirements laid down by the Committee on Economic, Social and Cultural Rights for guaranteeing the right to health. He therefore proposed that paragraph 19 should list the core obligations in the text circulated to the members of the Committee. Further items could be added although he felt personally that the list proposed represented the maximum that the Committee could specify while remaining within its mandate.

25. Mrs. JIMÉNEZ BUTRAGUEÑO said that retrogressive measures should not be adopted without careful consideration. Since many countries were reducing their expenditure on health, she proposed adding to the core obligations a provision similar to that at the end of paragraph 9 of General Comment 3, to the effect that States parties should take measures to the maximum extent of available resources.

26. Mr. HUNT (Rapporteur for the draft general comment) said that he agreed with Mrs. Jiménez Butragueño's view that it was important to be cautious about introducing retrogressive measures; that principle had been incorporated into General Comment 3 and re-endorsed in General Comment 13, and should be expressed in the same terms in the draft general comment on the right to health. It should be possible to reformulate the core obligations accordingly.

27. The idea of core content had been applied in General Comment 3, however, the Committee had struggled over how to incorporate it into General Comment 13 and had eventually taken the pragmatic approach of defining not the core content but the core obligations incumbent upon States parties. The Committee had decided to recommend adopting the same approach in the general comment on the right to health. However, if the Committee decided to approve the list of core obligations, it would be unfair not to insist also that richer countries fulfil their obligations relating to international cooperation under article 2, paragraph 1, of the Covenant. The two sets of obligations should be seen as two halves of a package.

28. Mr. SADI said that he was concerned that the draft general comment did not take sufficient account of possible future developments in health matters, such as those in biotechnology and cloning. The general comment should show that the Committee was aware of issues that might arise in the future, not just issues of current importance. He would also like it to be stated in the general comment that the Committee encouraged research into major health problems such as cancer and the effects of smoking.

29. The CHAIRPERSON pointed out that many of the issues raised had already been discussed at a meeting a few days previously with representatives of the World Health Organization (WHO) an other health experts. It had been agreed at that meeting that it was not possible or appropriate for the general comment to refer individually to every health problem that might need to be addressed. WHO had its own guidelines and was the organization best equipped to deal with specific health problems, whereas the purpose of the general comment was to define States parties' core obligations. She also endorsed the point made by Mr. Hunt that the general comment should emphasize that it was incumbent upon wealthier countries to assist developing countries in fulfilling those core obligations.

30. Mr. CEAUSU suggested that the idea, contained in subparagraph 3 of the draft new paragraph 19, of "measures to protect and promote the health of the whole population" should be expanded to include the idea of combating actions that could affect public health and the exercise of the right to health. It was important for States parties to be active in defending the interests of society against such actions, and against private interests - for example tobacco and alcohol companies - that represented a threat to public health.

31. Mr. RIEDEL thanked the members of the Committee for their comments and asked Mr. Ceausu to submit his proposed addition to subparagraph 3 in writing for discussion by the drafting group. Any other additions to the draft text of the new paragraph 19 should be as short and clear as possible. The plan to structure the obligations in the same way as in the General Comments on the right to food and the right to education would deal with some of the other points raised.

32. The aim of the draft general comment was not to list all the obligations that were considered important but to list only those that were absolutely essential. He agreed that the general comment should be formulated as broadly as possible in order to take account of future developments. However, it should not address such developments specifically because its purpose was to interpret existing legal obligations. The Committee's mandate was to monitor the fulfilment of those obligations by States parties; it did not extend to legislating or policy-shaping, which were a matter for States themselves or for organizations such as WHO.

33. He agreed with Mrs. Jiménez Butragueño that it was necessary to be cautious about applying retrogressive measures; however, he was unsure whether a reference to that principle should be included in the list of core obligations. The list was already sufficiently long and demanding and the need for caution regarding retrogressive measures was addressed elsewhere in the draft general comment.

34. Mrs. JIMÉNEZ BUTRAGUEÑO said that, since many countries were aiming to cut health spending, she felt it was important in the general comment to urge States to continue allocating the maximum possible resources to the right to health.

35. Mr. RIEDEL said that Mr. Pillay had passed him some minor language changes which would be incorporated into the draft text.

36. Mr. SADI asked whether it would be possible in the general comment to request any specific measures, such as the phasing-out of leaded petrol, which clearly had a devastating impact on the health of people in developing countries.

37. Mr. GRISSA said that he did not think it was possible to go as far as naming specific health risks in the general comment.

38. Mr. WIMER ZAMBRANO said that the Committee should be sure to stay within the scope of its mandate. It did not have the necessary expertise to address technical issues such as specifying what kind of petrol people should use, even if such measures seemed reasonable and obvious. Its proposals had to be strictly of a general and legal nature.

39. Mr. RIEDEL agreed that the health risk posed by leaded petrol was an important issue; however, WHO was the organization best placed to address it and was, in fact, already doing so. He endorsed the comments made by Mr. Wimer Zambrano on the subject of the Committee's mandate.

The meeting rose at 4.15 p.m.

UNITED NATIONS **E**

Economic and Social Council

Distr.
GENERAL

E/C.12/2000/SR.11
8 May 2000

Original: ENGLISH

COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Twenty-second session

SUMMARY RECORD OF THE 11th MEETING

Held at the Palais Wilson, Geneva,
on Tuesday, 2 May 2000, at 3 p.m.

Chairperson: Mrs. BONOAN-DANDAN

CONTENTS

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

Initial report of Egypt

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the meetings of the Committee at this session will be consolidated in a single corrigendum to be issued shortly after the end of the session.

GE.00-41788 (E)

The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (agenda item 6) (continued)

Initial report of Egypt (E/1990/5/Add.38; HRI/CORE/1/Add.19; E/C.12/Q/EGY/1; HR/CESCR/NONE/2000/6)

1. At the invitation of the Chairperson, the members of the delegation of Egypt took places at the Committee table.

2. The CHAIRPERSON welcomed the Egyptian delegation and invited it to make an introductory statement.

3. Mr. KHALIL (Egypt) said that the Egyptian Constitution provided the basis for all rights, freedoms and duties in Egyptian society and was therefore one of the most important instruments for the protection of human rights and fundamental freedoms in Egypt. Pursuant to article 151 of the Constitution, all international agreements, including the International Covenant on Economic, Social and Cultural Rights, were incorporated into national legislation. The Egyptian judiciary, in particular the Supreme Constitutional Court, also had a very important role in ensuring that economic, social and cultural rights were implemented effectively. Both the initial report and the written replies contained examples of decisions made by the Supreme Constitutional Court calling for the abolition of legislation that was contrary to the rights enshrined in the Constitution.

4. During the 1990s, a number of special authorities had been set up to conduct activities in various areas of human rights, including a department responsible for human rights within the Ministry of Foreign Affairs, an office for human rights within the Attorney-General's office and the National Council for Mothers and Children. In addition, a decree was being prepared on the establishment of a national council for human rights. Those measures were consistent with the declaration of the Vienna World Conference on Human Rights of 1993.

5. The efforts undertaken by the Government in the field of human rights were just as important as legal and judicial protection of those rights. Adequate provision for the needs of all citizens was the cornerstone of State programmes aimed at achieving social justice and the Government was constantly seeking to increase the resources allocated for that purpose. Respect for democracy, which was the starting point for achieving prosperity, had resulted from the establishment of a stable political and legislative system based on multi-party politics, free elections and an independent judiciary.

6. A number of fundamental reforms had enabled Egypt to meet the basic needs of its population, despite the fact that only a small percentage of its land was used for arable farming. Those reforms included the agrarian reform of 1952 and the transition in the 1980s from a socialist system to a free market economy. Egypt had also established a new legislative system for land tenure, rental of housing and trade and investment. The reforms sometimes had an

adverse impact on the most vulnerable sections of society, particularly in terms of their enjoyment of economic, social and cultural rights. However, the Government had tried to address that problem by implementing the reforms in a gradual manner, by adopting measures to safeguard the welfare of the most vulnerable people and by strengthening the role of the private sector and helping it to fulfil its responsibilities with regard to economic, social and cultural rights. The Government had succeeded in providing all villages with basic services such as water and electricity supply, health care and education. Health care was provided to all at a token price and education was provided free of charge.

7. The Government of Egypt was making continuous efforts to overcome the problem of illiteracy, as one way of tackling other long-standing problems such as domestic violence and low levels of skills and income. The age up to which education was compulsory had recently been raised from eight to nine years and 99 per cent of both boys and girls were enrolled in compulsory education. The number of school drop-outs had fallen to 1 per cent of primary school pupils and 3 per cent of those at secondary school. Efforts had been made to incorporate human rights teaching into the school curriculum. That had already contributed to changing the traditional mentalities that had previously prevailed, and were still sometimes encountered in remote rural areas. A five-year plan for 1997 to 2002 had been adopted with the aim of improving health care and social insurance, reducing unemployment, improving housing and standards of living, modernizing social infrastructures and increasing the economic growth rate. Progress had already been made in several of those areas and a total of 109.4 billion Egyptian pounds had been allocated to the social services sector overall, to be split between housing, utilities, education, health and other services.

8. Egypt was continuing its efforts to modernize its judicial system and had recently adopted an act that provided for certain judicial procedures relating to family law. It established the right of women to obtain a divorce and to receive alimony from their former husband and it prevented both husbands and wives from travelling abroad if they were not providing adequately for their children. The Government had also approved a law guaranteeing social security coverage for all.

9. Thanks to Egypt's continued political stability and its programme of economic reform, the annual growth rate of gross domestic product (GDP) for 1999 was expected to be 6.8 per cent, up from 4.7 per cent in 1994/95. That figure was more than double the population growth rate, which implied a steady improvement in the standard of living. Per capita GDP had also been rising steadily in recent years. The number of economically active persons had risen from 14,879,000 in 1994/95 to 15,825,000 in 1996/97 and inflation had fallen from 9.3 per cent in 1994/95 to about 6 per cent in 1996/97. The increased growth rates had led to a significant drop in unemployment, to 7.4 per cent in 1998/99. Several large-scale projects had been undertaken to provide radical solutions to Egypt's basic problems, such as the need to increase the amount of arable land. The increase in the average per capita income meant that Egypt had joined the ranks of the medium-income countries.

10. The Private Associations and Institutions Act No. 153 of 1999 had increased the scope and freedom of non-governmental organizations (NGOs). Some 15,000 NGOs were registered

in Egypt and they provided services to all citizens in the fields of social welfare, culture, health, education, the environment and local development. They played a particularly important role in providing services for women, children, the elderly and the disabled.

11. The Children's Act of 1996 had contained provisions designed to support mothers, including working mothers, and the Fourth World Conference on Women, held in Beijing in 1995, had given fresh impetus to Egypt's efforts to address issues affecting women. One of the most recent steps had been the adoption of a decree in February 2000 establishing a national council for women. Increasing numbers of women were being appointed to top positions, such as ministerial and ambassadorial posts. Other legislation had also been adopted guaranteeing the rights of the child.

12. Egypt's culture was a harmonious blend of the traditional and the modern, which provided a sound basis for the promotion of human rights and the protection of human dignity and solidarity.

13. The CHAIRPERSON invited the members of the Committee to put questions to the delegation of Egypt relating to points 1 to 6 on the list of issues.

14. Mr. TEXIER said that the rights enjoyed by NGOs according to the written reply to question 6 were contradicted by the adoption of the Private Associations and Institutions Act No. 153 of 1999, which had caused great concern among both Egyptian and international NGOs. Those organizations believed that the Act represented a threat to all independent organizations, whether political parties, trade unions or NGOs. Although the right to freedom of association was primarily covered by the International Covenant on Civil and Political Rights, trade union freedom was an issue that fell within the remit of the Committee on Economic, Social and Cultural Rights. The Committee attached great importance to dialogue with civil society, because it might present a different point of view from that of the State. It was also worrying that some provisions of the Act imposed prison sentences or fines in certain circumstances where NGOs were financed by foreign States or organizations. The majority of NGOs relied on that type of funding and the imposition of controls on foreign funding infringed the right to freedom of association and the right to form trade unions. He would therefore like to know whether the Government intended to modify or repeal the Act.

15. Mr. HUNT welcomed the fact that Egypt had hosted the Arab Regional Seminar on Human Rights and Development, held in 1999, and the fact that the United Nations Development Programme (UNDP) in Egypt had recently set up a pilot project for capacity-building in human rights. He would like to know whether the Government of Egypt might give serious consideration to drawing up a national action plan for human rights, as the Vienna World Conference on Human Rights of 1993 had recommended for all States.

16. He noted that wide-ranging macroeconomic reforms, supported by the World Bank and the International Monetary Fund, had been implemented in Egypt over the past few years and had generally had positive results, such as the improvement in growth rates. However, as in many other States, those economic reforms had had a significant impact on economic, social and cultural rights. He would like to know whether the Government of Egypt thought it would be

possible or worthwhile, in its negotiations with international financial institutions, to use the Covenant as a tool to help it resist reforms that would harm the rights of the most vulnerable groups in Egyptian society.

17. Mr. THAPALIA asked why Egypt had not ratified the 1961 Convention on the Reduction of Statelessness and the 1954 Convention relating to the Status of Stateless Persons. According to the initial report, judges were not liable to dismissal. Yet in some circumstances, such as cases of corruption, judicial immunity should be lifted. Could the delegation provide some clarification on that matter?

18. Mr. PILLAY, expressing satisfaction that all international conventions were considered an integral part of Egyptian law, pointed out that in order for people to enjoy the rights embodied in those instruments they must be aware of their existence. The Committee had heard that there was a human rights information programme for civil servants, but it had also been informed that the efforts of the Government to raise awareness of the rights enshrined in the Covenant were extremely limited. Could the delegation comment on that? The Committee had received information which indicated that NGOs were the subject of threats if they continuously reported human rights violations. However, according to the Government, NGOs were instrumental in taking cases of human rights abuses to court. The Government had provided information that organizations in the fields of environmental protection and consumers' rights were remarkably active. Was it in fact true that they brought cases before the courts in defence of the rights guaranteed by the Covenant?

19. Mr. CEVILLE asked whether reference could be made directly to the Covenant before the courts, or if it was necessary instead to refer to national laws. Question 3 in the list of issues had asked about the Government's position with respect to the draft optional protocol to the Covenant, and the reply to the question had been that it was still under consideration. Since the replies were already nearly a year old, could the delegation inform the Committee whether any progress had been made towards taking a position with regard to the protocol?

20. Mr. CEAUSU said that in paragraph 27 of the core document, there were no less than three references in a single sentence to "socialist" entities. Perhaps the text was a reflection of times past. He wondered why the text would have been worded in that way as late as 1993, and asked specifically what powers had been given by law to the Public Prosecutor in order to maintain commitment to "socialist behaviour". Had the legislation since been amended, or had the way in which such powers were granted been adapted to the changing times both within the country and within the international community?

21. Mr. SALAMA (Egypt) acknowledged Mr. Texier's comment that the quality of the dialogue with NGOs was an indicator of the status of the national dialogue concerning human rights. Egyptian NGOs clearly had not obtained all they had wished in the negotiations leading to the adoption of the Private Associations and Institutions Act No. 153 of 1999. However, the adoption of that law should be considered in context. An extensive and very open public debate had taken place prior to the legislative adoption of the Act, and the participation of the NGOs themselves in that process had been unprecedented. Perhaps that had added to their disappointment, as some aspects of the Act which they had considered as acquired rights had been altered when the bill was given final consideration in the legislature. The new Act had

replaced an anachronistic law dating back to 1964, a time when State control of such organizations had been considered normal. Clearly, progress had been made. While it was true that many major Egyptian NGOs had complained both in Egypt and at the United Nations of the provisions of the new law, for the most part those same organizations had in fact changed their status and had registered. The participation of Egyptian NGOs at the Committee's session testified to their vibrancy and effectiveness. Act No. 153 did indeed prohibit NGOs from engaging in politics or activities generally reserved for trade unions. However, nothing prevented members of such organizations in their individual capacity from engaging in politics or trade union activities through authorized political parties and trade unions.

22. One of the vestiges of the socialist period had been that there had been a multitude of laws allowing entities and establishments to take on a legal personality in one form or another, and many had given an ostensible reason for registering while their true purpose was quite different. The separation of the legal treatment of political groups a nd trade unions from that of NGOs was intended to avoid such ambiguity. In any event, the explanatory note for the enforcement of the Act, which had been adopted three months after the law had been promulgated, took into account all such considerations and clarified that the prohibition of political activities must be interpreted in the strict sense of the word, i.e. to mean that members of NGOs must not stand for election and must not campaign for a political party, etc.

23. The restrictions with regard to foreign financing were not a prohibition per se, but rather a form of regulation, with an established procedure for the prior approval of foreign financing. If such approval was not forthcoming, there was an expeditious and accessible appeals procedure. Egypt had been extremely active in the negotiations for the adoption of the Declaration on Human Rights Defenders, one article of which ensured that organizations should have the right to solicit funds, be it locally or internationally. The Government had issued no reservations in that regard. However, the same article stipulated that the right to do so must be governed in accordance with article 3 of the Declaration, which stated that the national legislation, consistent with the United Nations Charter and other obligations of the State, was the juridical framework in which all freedoms and liberties should be applied. The objective of ascertaining the source of foreign financing was to ensure that such resources were used for their stated purpose. There had been cases of manipulation whereby funds had been channelled to terrorist activities, for instance.

24. The headquarters of the Arab Organization for Human Rights, which was the leading human rights organization in the region, was located in Cairo. That organization was headed by an Egyptian who had long experience in human rights. Egypt was proud to be a primary supporter of the idea of technical cooperation in the field of human rights. One idea that the Government was currently developing with the assistance of the United Nations Office of the High Commissioner for Human Rights (OHCHR) was to broaden the scope of technical cooperation and break the mould of the donor-recipient dichotomy. Egypt had formally proposed that donations in kind, including the provision of expertise and know-how, could apply to many areas of cooperation within the purview of the OHCHR.

25. Egypt did not, to the best of his knowledge, invoke the rights guaranteed by the Covenant in its talks regarding the so-called "recipes" of the international financial institutions. The Government representatives involved in such negotiations were not generally from services

which dealt with human rights, and because they were not necessarily well versed in the provisions of the Covenant, it would not be their best tool in defending the country's interests. Perhaps the geopolitical and strategic position held by Egypt, especially in the 1980s, had been more useful to the Egyptian representatives in such negotiations. Because recipient Governments were not in a position of strength when they negotiated with the international financial institutions, they could not ensure the success of the rights-based approach. The only way to do so was through the efforts of bodies such as the Committee. In that sense, the letter sent by the Committee to the Third Ministerial Conference of the World Trade Organization in Seattle had been a landmark. In it, the Committee created a collective awareness of the legal relevance of the articles of the Covenant, and in particular of articles 2 and 23, which were suffering from disuse and atrophy.

26. Mr. KHALIL (Egypt) said that in the early 1990s Egypt had begun preparations for a national plan of action for human rights. In 1990 a special body had been established in the Ministry of Foreign Affairs, and a specialized human rights service had subsequently been set up within the Public Prosecutor's Office, followed by bodies devoted to the rights of the child and women's rights. Human rights had been introduced as a subject at all law faculties, police academies and training centres for members of the judiciary. A national human rights body was currently in preparation. All such steps had been taken as part of the effort to establish a national human rights plan covering all related fields.

27. With regard to the independence of the judiciary, the only way to challenge judicial immunity was through a specialized body. All such cases had to be handled by the supreme judiciary body, which was composed of senior judges. Corruption was of course a criminal offence, but the dismissal of a judge could only be ordered by the supreme judiciary body. The Government had not defined its position with regard to the numerous agreements and conventions concerning stateless persons, including unmarried women.

28. After ratification, the Covenant had been published and had been considered as enforceable legislation directly applicable by the courts. Many of the principles in the Covenant were also considered an integral part of the Constitution, and the national legislation therefore had to be adapted to the provisions of the Covenant. The Government considered that all individuals and organizations had the constitutional right to file complaints to the various bodies established for that purpose, which were obliged to investigate such matters. The Environmental Act gave special powers to environmental NGOs in the field of environmental protection, including the right to petition for remedies and compensation.

29. Mr. SALAMA (Egypt) said that the Egyptian Government felt that despite the progressive nature of the State's commitments, a complaint-based system would place even greater emphasis on the responsibility of the State. Perhaps still more importantly, the Government felt that the total absence of responsibility on the part of non-State actors was a source of concern. Non-State actors had acquired a very important role in the realization of economic, social and cultural rights in the world. On the other hand their lack of obligations and responsibilities was problematic. The Sub-Commission on the Promotion and Protection of Human Rights was addressing that question. The Committee's General Comments, and

specifically those devoted to education and food, were especially important in that regard, insofar as they underscored the importance of the responsibility of the international community, notwithstanding the fact that the primary responsibility was still incumbent upon the State.

30. Because of the progressive nature of the legal commitments undertaken under the Covenant, most of the application of its principles took place in courts dealing with constitutional cases rather than individual cases. When two interpretations of a legal text were brought before the Constitutional Court and one was found to be inconsistent with the spirit, logic and philosophy of an article of the Covenant, the Court would rule in favour of the other.

31. Mr. GRISSA said that there was apparently a contradiction in the law, as throughout the world trade unions were considered to be NGOs. If that were the case, and if NGOs were prevented from undertaking any trade union activities, then Egyptian trade unions would be effectively paralysed. Perhaps the delegation could provide some clarification on that point.

32. He had received information according to which members of the clergy intervened in civil cases in Egypt and interfered to prevent implementation of certain decisions and decrees handed down by the judiciary. Were they above the law? In some cases, members of the clergy had interfered in cases entirely unrelated to religion. For example, Dr. Abu Zeid had been forced to divorce his wife because he had been considered an apostate.

33. Mr. HUNT said that much as he welcomed the work in progress described by Mr. Salama and the numerous human rights activities being conducted in Egypt, what he wished to know was whether there was any coordinated and concerted national human rights plan of action in existence. If not, could the authorities be encouraged to give consideration to the matter?

34. Mr. TEXIER welcomed the fact that the Private Associations and Institutions Act governing NGOs had improved on the 1964 Act. There were still, however, a number of doubtful aspects relating to certain NGO activities, including trade union activity. Inasmuch as Egypt had experienced similar difficulties in other treaty bodies since 1980, the risk was there that the country might find pretexts for prohibiting such NGO activity. He suggested that the current a priori monitoring system should be replaced by a posteriori monitoring of NGO financing, whereby discovery of any infringement of the aims pursued or non-legal funding sources could be dealt with at that stage.

35. The CHAIRPERSON asked for clarification of what she perceived as a contradiction between Mr. Khalil's assertion that publication of the Covenant in the Official Gazette ensured its applicability in all courts and its use to criminalize certain actions, and Mr. Salama's that the Covenant applied more at the level of the Constitution than of the domestic courts. The issue was important since Egyptian NGOs had claimed that the Act contravened the Convention by denying them the right to strike.

36. Mr. SALAMA (Egypt) said the national legislation established specific conditions for the application of all the rights embodied in the Covenant. There was no contradiction because any national law that conformed with the Covenant was applicable. He also acknowledged the merit of Mr. Texier's suggestion for a posteriori monitoring.

37. Mr. KHALIL (Egypt) said the trade unions were regulated not by the Private Associations and Institutions Act governing national associations in the social, health, educational and environmental spheres, but the 1976 Trade Union Act, as amended, which respected the ILO conventions to which Egypt had acceded; trade unions were therefore subject to rules and conditions laid down in that law. Any trade union established as such was governed by international labour rules and standards.

38. Clerics and men of religion were expressly prohibited from interfering in rulings pertaining to crimes punishable by law. However, they were sometimes consulted by the authorities in cases of conflict just as any other specialist would be. If a judicial ruling was eventually based on their opinion, the judiciary was required to spell out its reasons for accepting that advice. The death sentence was the only subject on which the mufti had to be consulted.

39. Replying to a question from Mr. Hunt, he said that a national human rights plan of action had initially been set up in the early 1990s, based on the principle of establishing specialized authorities for each department at different levels in the field of human rights. Its most recent manifestation was the National Council for Human Rights. The police force, university professors and others received instruction in human rights as a starting point for more generalized human rights education, which would include integration of humanity-based human rights education in school curricula. That had already been done in basic education and would be developed by the end of 2000 in secondary education.

40. Replying to the Chairperson's question on the implementation of the Covenant, he said it was stated in the Constitution that once the Covenant had been incorporated into the law and had been published in the Official Gazette, it became part of national legislation, and the judiciary was required to oversee its implementation. The Covenant indicated that associations would be established in accordance with national legislation, which could determine ways of setting up private associations in the private sector. No law could prevent the exercise of such rights, a fact made abundantly clear by the Supreme Constitutional Court's rulings thereon. While certain segments of the population were barred from participation in specific activities, they were free to participate in associations. Any curtailment of that freedom was punishable under the Penal Code.

41. Mr. GRISSA, explaining that his previous question had referred to interference by clerics in decisions of the judiciary, cited the example of their de facto press censorship without authorization and the fact that they endeavoured to ensure that their views prevailed when they conflicted with those of the courts.

42. Mr. KHALIL (Egypt) said that men of religion enjoyed a certain standing in Egypt and he reiterated that their opinions as to whether certain writings or books were harmful to the faith could be sought and taken into account by the judiciary.

43. Mr. SALAMA (Egypt) added that the Government had also recently passed two resolutions prohibiting the demonization of a religion.

44. Mr. CEVILLE said that while the Covenant had constitutional status in Egypt, it also appeared that the Constitutional Court could declare a norm of the Covenant unconstitutional if it

did not conform to the constitutional norm. He asked whether the provisions of the Covenant had ever been invoked and whether there was any available jurisprudence that had emerged from claims of direct infringement of the Covenant.

45. Mr. KHALIL (Egypt) explained that, as he had stated earlier, the provisions of the Covenant were covered by the provisions of the 1971 Constitution adopted four years after Egypt's signing of the two international covenants in 1967, during which time it had acceded to other human rights conventions. When the lawmakers had drafted that Constitution, they had included all the provisions of those covenants and conventions, which had become constitutional rights and could not be breached. Such matter had often been brought before the Constitutional Court, which had issued a number of decrees on the right to work, the right to social security or to insurance on the grounds that the national legislation violated the constitutional rule. The country sought to abide by the rules and values of civilized society and they were taken into account by the Constitutional Court when declaring certain practices unconstitutional.

46. The CHAIRPERSON invited Committee members to put questions concerning articles 2 and 3 (questions 7-11 on the list of issues) to the delegation.

47. Mr. ANTANOVICH, joining his colleagues in welcoming the delegation, said he was impressed by the quality of the documents presented, which he was sure would make for constructive dialogue. Coming as he did from a country belonging to the Commonwealth of Independent States (CIS), which, like Egypt, were in the throes of transition from a socialist-oriented to a market-oriented economy, he knew from experience that the guarantee of economic, social and cultural rights was the first casualty of such a transition. Did Egypt have a policy for guaranteeing those rights during the transition? What problems had been encountered? Did any of them persist?

48. The written reply to question 8 of the list of issues, to the effect that some economic rights for non-nationals were guaranteed, particularly in regard to the right to work, the right to own property and the right to social insurance, implied that enjoyment of those rights was restricted. He sought clarification as to exactly which rights were affected, which category of aliens received preferential treatment, and how the Government ensured that those excluded were able to live.

49. Mr. WIMER ZAMBRANO joined in commending the excellence of the documents submitted by Egypt. However, there had been reports that the Christian Coptic minority was discriminated against in extensive social and economic areas. It would also be interesting to the Committee to learn what social relationship the country enjoyed with the Jewish community. Many Jews had emigrated during the war and it was admittedly difficult during a state of war to differentiate between Jews and Zionists. That having been said, could the delegation describe Egypt's general policy and practices with regard to Jews, as well as to Christians, who accounted for between 7 per cent and 10 per cent of the population, and its actual relations with those minorities?

50. Mr. MARCHAN ROMERO said the lengthy reply to question 10 on the list of issues had failed to describe exactly how the right to equality between men and women was being developed. Would the delegation disclose the results achieved through the inclusion of a female

component in the Socio-Economic Development Plan? In order to make its assessment, the Committee should also know to what extent the relevant programmes and measures implemented had actually increased women's participation in certain economic spheres. He asked whether any civil society organizations for promoting women had been established and which were their main areas of activity. As the delegation had said, the problems relating to women's inequality were entrenched in traditions which needed to be rooted out. For instance, could the delegation say whether the periodic women's conferences on gender equality (reply to question 10 on the list of issues) were held on a regular basis and what the outcome of their evaluation had been?

51. Mr. TEXIER echoing the previous speaker, said that all the indicators contained in Egypt's third periodic report, as well as its written replies, showed that inequality between men and women covered a broad spectrum. He asked what specific programmes the country was implementing to provide women with access to all types and levels of employment and not only to traditional women's jobs.

52. Mr. CEAUSU asked whether the foreign spouse of an Egyptian woman living in Egypt had the right to work there.

53. Mr. THAPALIA said that the 1999 Human Rights Report of the United States Department of State noted that, although the Egyptian Constitution contained provisions requiring equal treatment for men and women and for Muslims and non-Muslims, many problems remained. For example, an unmarried woman under the age of 21 needed the permission of an adult male family member to obtain a passport. There were no women judges and, to obtain Egyptian nationality, a child born in Egypt must have an Egyptian father. The size of the Coptic Christian population was understated in the statistics and they suffered considerable job discrimination. For example, there were no Coptic governors or members of the upper ranks of the army or police force. He would like to know what action the Government was taking to curb those practices and to respect the provisions of the Constitution.

54. Mr. PILLAY said that the Egyptian delegation claimed that the provisions of article 3 of the Covenant were reflected in the Egyptian Constitution, being accordingly enshrined in the law, and that there was, therefore, no discrimination on the basis of gender or religion. Information was available, however, that showed that Egyptian legislation in fact infringed on women's rights. For example, under the Penal Code, a man guilty of adultery could be sentenced to six months' imprisonment, while the penalty for women was imprisonment for two years. A wife who killed an adulterous husband was liable to 24 years' imprisonment; the penalty for a man was only 3 years. He asked why the Egyptian Government allowed those laws to continue to exist when they could easily be amended so as to be brought into conformity with article 3 of the Covenant and the Egyptian Constitution.

55. Mrs. JIMÉNEZ BUTRAGUEÑO asked what progress had been made in the last five years in regard to equal rights for women. She was particularly interested in the influence of women's organizations in Egypt, and she would like to know whether social attitudes towards polygamy had changed and whether progress had been made in outlawing genital mutilation. She noted that there were more women than men in Egypt, which should give them a degree of power. She would like more information on women's access to the legal profession in particular.

56. The CHAIRPERSON said that she would like more information on the divorce law. She understood that women could avail themselves of the right to divorce but that it was a very lengthy process. Apparently, if a woman wanted to obtain a divorce quickly, she could do so subject to certain conditions which included waiving all her financial rights. It was not clear whether custody of the children of the marriage was also affected. She would appreciate further clarification in that regard.

57. Mr. KHALIL (Egypt) said that the social and political problems regularly encountered in the transition from a socialist to a market economy tended to be more difficult in a developing country such as Egypt. The Government had been obliged to move slowly in order to avoid sudden changes that could lead to inflation and social disruption. Social services accounted for more than a quarter of the State budget and in order to maintain the level of employment the Government needed to provide 600,000 new jobs a year. Wages had been increased very gradually but were still low.

58. The conditions governing the right to work of non-nationals were listed in the Egyptian report. In general, Egypt was a labour exporter. There was, however, a demand for non-national workers having special technical skills that could be advantageous to society in general. The employment of non-nationals was, therefore, permitted in the context of investment aimed at raising the general level of employment. A non-national married to an Egyptian spouse and living in Egypt could obtain a work permit from the Ministry of Manpower. He would have the right to own property and to benefit from national insurance.

59. A number of questions had been asked about the rights and treatment of the Coptic minority. He emphasized that Egypt was a unified society embracing all types of religion. Copts and other Christians in Egypt were Egyptian citizens subject to Egyptian law and having the rights and duties applicable to all Egyptians. Coptic Christians had been part of Egyptian society for hundreds of years and their active participation in all fields of endeavour was recognized and encouraged. Copts had occupied many important posts in the Administration, from the prime ministership to the top ranks of government departments. One of the judiciary bodies was currently headed by a Christian and many members of the police and armed forces were Copts. There was no law discriminating against them. The only area in which special legislation on grounds of religion applied was family affairs, such as marriage, divorce and inheritance.

60. On the question of equality between men and women and the measures introduced in the Socio-Economic Development Plan to secure the advancement of women, he said that one of the most important challenges was to overcome the general illiteracy among older women. The problem of girls' education was gradually being solved. Some schools now had more girl pupils than boys and the drop-out rate among girls in both primary and secondary schools had been considerably reduced. The kind of employment that women could enjoy depended on their skills and experience and it would, of course, take time for the educational system to provide all women with skills that would allow them to enter the professions. In some areas of activity, they were already more numerous. For example, there were two women ministers in the present Government and women held important positions in the diplomatic corps. There were also some women magistrates and members of Parliament.

61. A considerable effort had been made to modernize the Egyptian legislative structure. The task of simplifying administrative, legal and judicial procedures had been carried out with the participation of a number of NGOs. Women's organizations in particular had been consulted on the question of the nationality of the children of Egyptian mothers. Since Egypt was a very crowded country, nationality relied on jus sanguinis rather than jus solis, the nationality of the father having priority. Recently, however, as the result of the efforts of women's organizations, legislation had been enacted exempting the children of Egyptian mothers from university fees. Other successes achieved by women's organizations included having the widespread practice of genital mutilation classified as a crime.

62. Reference had been made to women's rights other than the right to work. He assured the Committee that the penalties applied under the Penal Code did not infringe the rights of women. Up to the age of 21, all children were subject to their parents. Girls were able to marry on reaching the age of 16, while the minimum age for boys was 18. Women enjoyed full rights of inheritance and could own property separately from their husbands. Regarding permission to travel, if either a wife or husband wished to leave the country and the other did not agree, the matter was referred to a magistrate to be decided in the light of the interests of the family as a whole. Women's organizations had also been consulted in respect of health conditions for women. Details of the progress made in lowering the death rate and reducing the number of abortions were contained in the report.

63. In response to the remarks of the Chairperson, he said that, under the amended law governing family affairs, a new system had been instituted whereby a woman could apply for divorce and, if there was no reconciliation within a stipulated period of time the divorce would be granted on condition that the woman renounced all personal financial rights resulting from the marriage. The rights of the children were not affected. Under the new system, a final judgement could be obtained after six months. The father's obligations to the children would continue, as would the wife's rights to custody.

64. Mr. SALAMA (Egypt) said that the new law on divorce was an example of the new or enlightened interpretation of the Islamic shariah that had emerged from recent debates. A number of women's non-governmental organizations were strongly in favour of the changes, although in some conservative circles they were seen as being too feminist. In a case currently before the courts, a woman applying to become a magistrate was challenging the constitutionality of the regulations imposed by the Ministry of Justice. Elements of the shariah had been used to give legitimacy to the new divorce regulations, showing that the social system could be modernized without discarding religious tradition. It would be interesting to know, since there was in fact no discrimination against Copts, where those allegations originated. The hostility shown towards non-Muslims by certain fanatical groups had nothing to do with Islam. The Government's education programme concentrated on promoting a culture of tolerance.

65. One of the major obstacles subsisting from the socialist era concerned the right to adequate housing. Under the 1962 legislation, rents had been frozen, which manifestly discriminated against landlords. Given the very large number of tenants, however, the sudden unfreezing of rents would have a very destabilizing effect on the economy. The Government's

approach had been to move gradually to unfreeze rents in new rental contracts. Progress had been made over the last five years in regard to the renting of farmland, but housing presented a more difficult problem.

66. The CHAIRPERSON said that, in order to draft its concluding observations, the Committee needed to know the real facts of the situation in Egypt regarding economic, social and cultural rights. Some very specific questions had been asked about equality between men and women but the answers given had been vague and general. She urged the delegation to be more factual and forthright in its responses than it had been so far.

The meeting rose at 6 p.m.